

PATENT

Docket No.: UC98-194-2US

Applicant or Patentee: ANDREW A. FRANK
Serial or Patent No.: 09/677,288
Filed or Issued: OCTOBER 2, 2000
For: CONTROL METHOD AND APPARATUS FOR INTERNAL COMBUSTION
ENGINE ELECTRIC HYBRID VEHICLES
Group:
Examiner:

INFORMATION DISCLOSURE STATEMENT

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List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

1. ☒ Preliminary Statements
2. ☒ FORM PTO-1449 (Modified)
3. ☐ Statement As To Information Material To Examination Not Found In Patents Or Publications
4. ☒ Identification Of Prior Application In Which Listed Information Was Already Cited And For Which No Copies Are Submitted Or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☐ Copies of Listed Information Items Accompanying This Statement
7. ☒ Concise Explanation of Non-English Language Listed Information Items
8. ☐ Translation(s) of Non-English Language Documents
9. ☒ Identification of Person(s) Making This Information Disclosure Statement

Section 1. Preliminary Statements

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.56(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 2. PTO Form 1449 (modified)

FORM 1449 IS BEING SUBMITTED HERewith IN 2 PAGE(S).



Section 3. Statement As To Information Material To Examination Not Found In Patents Or Publications (Information not listed in PTO-1449)

Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and For Which No Copies Are Submitted Or Need Be Submitted

Note: "A copy of any patent, publication or other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120." 37 CFR 1.98(d).

WARNING: While a copy of a non-English language item of information need not be submitted if its was previously submitted to or cited by the Office in a prior application, provided it is properly identified in this statement and this application relies on that earlier filing date under 35 U.S.C. 120, nevertheless, the requirement in § 1.98(a)(3) for a concise explanation of non-English language information **would not** be satisfied by a statement that a reference was cited in the prosecution of a parent application. The concise explanation must explain the relevance as presently understood by the person designated in § 1.56(c) most knowledgeable about the content of the information. Notice of January 9, 1992, 1135 O.G. 13-25, at 20.

This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application 09/063,993 filed on April 21, 1998 and PCT application PCT/US99/09880 filed on April 19, 1999. Certain references shown in the PTO Form 1449 were submitted to and/or cited by the Office in these prior applications and, therefore, are not required to be provided in this application.

Section 5. Cumulative Patents or Publications

NOTE: "When the disclosure of two or more patents or publications listed in an information disclosure statement are substantially cumulative, a copy of one of the patents or publications may be submitted without copies of the other patents or publications provided that a statement is made that these other patents or publications are cumulative." 37 CFR 1.98(c).

STATEMENT

_____ is cumulative of the following patents or publications listed on Form PTO-1449 (modified):

In accordance with 37 CFR 1.98(c) a copy of only _____ is being submitted with this information disclosure statement.

Section 6. Copies of Listed Information Items Accompanying This Statement

NOTE: 37 CFR 1.98(a)(2) requires that any information disclosure statement filed under § 1.97 shall include: "A legible copy of: (i) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included ..."

NOTE: The wording in § 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.

Legible copies of **all** items listed accompany this information disclosure statement.

 X Exception(s) to above

 X Items in prior application from which an earlier filing date is claimed for this application as identified in Section 4.

 Cumulative patents or publications identified in Section 5.

It is respectfully stipulated, however, that none of these references teach or render obvious, singly or when considered in combination, applicant's claimed invention. This citation does not constitute an admission that the references are relevant or material to the claims nor that a search has been made; the references are cited only as constituting the closest art of which the applicant is aware.

Section 7. Concise Explanation of Non-English Language Listed Information Items

NOTE: "A concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the information of each patent, publication, or other information listed that is not in the English language **shall** be included in any information disclosure statement filed under § 1.97. "The concise explanation may be either separate from the specification or incorporated therein." 37 CFR 1.98(a)(3).

NOTE: "[T]he explanation required is limited to the relevance as understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information at the time the information is submitted to the Office." Notice of January 9, 1992, 1136 O.G. 13-25, at 14.

NOTE: "Where the information listed is not in the English language, but was cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by submitting an English language version of the search report." Notice of January 9, 1992, 1136 O.G. 13-25, at 14.

NOTE: "The concise explanation requirement for non-English language information may be met by submission of an English language version of the search report indicating the degree of relevance found by the foreign office." Notice of January 9, 1992, 1136 O.G. 13-25, at 20.

WARNING: "The requirement in §1.98(a)(3) for a concise explanation of non-English information **would not** be satisfied by a statement that a reference was cited in the prosecution of a parent application." Notice of January 9, 1992, 1136 O.G. 13-25, at 20 (emphasis added).

EPO 0 423 536 A1 IS NOT IN THE ENGLISH LANGUAGE BUT WAS CITED IN A SEARCH REPORT BY A FOREIGN PATENT OFFICE. THEREFORE, AN ENGLISH LANGUAGE VERSION OF THE SEARCH REPORT IS BEING PROVIDED TO SATISFY THE REQUIREMENT FOR A CONCISE EXPLANATION OF RELEVANCE.

Section 8. Translation(s) of Non-English Language Documents

NOTE: "If a written English language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in § 1.56(c), a copy of the translation shall accompany the statement." 37 CFR 1.98(c).

NOTE: "The Office does not intend to require translations unless they have been reduced to writing and are actually translations of what is contained in non-English language information. Applicants should note, however, that most examiners do not have the ability to understand information which is not English and the that Office will not routinely translate information submitted in a non-English language. The examiner will consider the information insofar as it is understood on its face, e.g., drawings, chemical formulas, English-language abstracts, but will not have the information translated unless it appears to be necessary to do so. Applicants are required to aid the examiner by complying with the requirements of a concise explanation in § 1.98(a)(3) for information submitted in a non-English language." Notice of January 9, 1992, 1135 O.G. 13-25, at 21.

- ☒ No English language translations of the foreign language patents, publications or information or parts thereof are readily available, except for those listed above.
- ☐ The following foreign language documents submitted are believed to be the equivalent or substantial equivalent of the English language documents identified below, which are also submitted herewith.
- ☐ Submitted herewith is an English language translation of the following foreign patents, publications or information or of those portions of those patents, publications or information considered to be material:

Section 9. Identification of Person(s) Making This INFORMATION DISCLOSURE STATEMENT

The person making this statement is the attorney who signs below on the basis of:

_____ the information supplied by the inventor(s)

X the information in the attorney's file

Dated:

11/28/00

Reg. No.:

33,201

Tel. No.:

(916) 498-1010


SIGNATURE OF ATTORNEY

John P. O'Banion
O'BANION & RITCHEY LLP
400 Capitol Mall, Suite 1550
Sacramento, CA 95814

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

Applicant(s): **ANDREW A. FRANK**

Docket No.

UC98-194-2US

Serial No.

09/677,288

Filing Date

OCTOBER 2, 2000

Examiner

Group Art Unit

Invention: **CONTROL METHOD AND APPARATUS FOR INTERNAL COMBUSTION ENGINE
ELECTRIC HYBRID VEHICLES**



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I hereby certify that this **INFORMATION DISCLOSURE STATEMENT (9 pages)**
(Identify type of correspondence)

is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The
Assistant Commissioner for Patents, Washington, D.C. 20231 on

11/29/00
(Date)

JOHN P. O'BANION

(Typed or Printed Name of Person Mailing Correspondence)

[Signature]
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Note: Each paper must have its own certificate of mailing.

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TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
UC98-194-2US

In Re Application Of: **ANDREW A. FRANK**

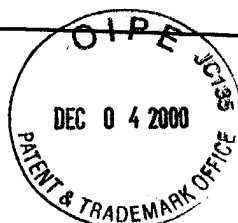
Serial No.
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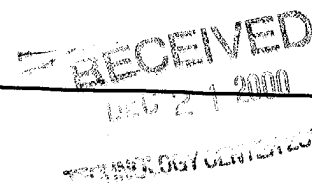
Examiner

Group Art Unit

Title: **CONTROL METHOD AND APPARATUS FOR INTERNAL COMBUSTION
ENGINE ELECTRIC HYBRID VEHICLES**



Address to:
Assistant Commissioner for Patents
Washington, D.C. 20231



37 CFR 1.97(b)

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application; within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or before the mailing date of a first Office Action on the merits, whichever event occurs last.

37 CFR 1.97(c)

2. ☐ The Information Disclosure Statement submitted herewith is being filed after three months of the filing of a national application, or the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or after the mailing date of a first Office Action on the merits, whichever occurred last but before the mailing date of either:

1. a Final Action under 37 CFR 1.113, or
2. a Notice of Allowance under 37 CFR 1.311,

whichever occurs first.

Also submitted herewith is:

- ☐ a certification as specified in 37 CFR 1.97(e);

OR

- ☐ the fee set forth in 37 CFR 1.17(p) for submission of an Information Disclosure Statement under 37 CFR 1.97(c).

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
UC98-194-2US

In Re Application Of: **ANDREW A. FRANK**

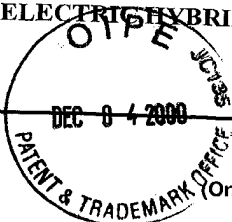
Serial No.
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OCTOBER 2, 2000

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Group Art Unit

Title: **CONTROL METHOD AND APPARATUS FOR INTERNAL COMBUSTION
ENGINE ELECTRIC HYBRID VEHICLES**



Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☐ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. _____ as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____
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I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. _____) on _____ (Date)

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Typed or Printed Name of Person Signing Certificate

*This certificate may only be used if paying by deposit account.

Signature

JOHN P. O'BANION, REG. NO. 33,201
O'BANION & RITCHEY LLP
400 CAPITOL MALL, SUITE 1550
SACRAMENTO, CA 95814

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I certify that this document and fee is being deposited on 11/28/00 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

JOHN P. O'BANION

Typed or Printed Name of Person Mailing Correspondence

Dated: 11/28/00

CC:

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

Applicant(s): **ANDREW A. FRANK**

Docket No.

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Serial No.

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Examiner

Group Art Unit

Invention: **CONTROL METHOD AND APPARATUS FOR INTERNAL COMBUSTION ENGINE
ELECTRIC HYBRID VEHICLES**

I hereby certify that this **INTERNATIONAL SEARCH REPORT FROM PCT/US99/09880**
(Identify type of correspondence)
is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The
Assistant Commissioner for Patents, Washington, D.C. 20231 on 11/28/00
(Date)

JOHN P. O'BANION

(Typed or Printed Name of Person Mailing Correspondence)

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